

that the article used alone or in combination did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it.

On October 13, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL,

Acting Secretary of Agriculture.

7374. Adulteration of oysters. U. S. * * * v. Walter Van Orden, William C. Van Orden, and Ida F. Mussen (Van Orden Bros.). Plea of guilty. Fine, \$25. (F. & D. No. 10604. I. S. No. 6720-r.)

On January 28, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter Van Orden, William C. Van Orden, and Ida F. Mussen, copartners, trading as Van Orden Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on January 9, 1919, from the State of New York into the State of Illinois, of a quantity of oysters which were adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the oysters had been excessively soaked with water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the article purported to be.

On February 4, 1920, the defendants entered a plea of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL,

Acting Secretary of Agriculture.

7375. Misbranding of Kalwaryjskie Wino Lecznicze. U. S. * * * v. David Wroblewski (D. Wroblewski & Co.). Fine, \$200. (F. & D. No. 10608. I. S. No. 14311-r.)

On October 15, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against David Wroblewski, trading as D. Wroblewski & Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on July 16, 1918, from the State of New York into the State of New Jersey, of a quantity of an article, labeled in part "Kalwaryjskie Wino Lecznicze," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of emodin (apparently from cascara sagrada), a slight amount of tannin, cinchona alkaloids, sugars, water, and 14.6 per cent by volume of alcohol.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the wrappers and bottles and included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for prolonged ailments, malnutrition, nervous breakdown, all stomach disorders, pale and weak children, all weaknesses and exhaustion caused by protracted illness, maladies undermining physical strength, constipation, indigestion, and sick and dizzy headache, and effective to strengthen the organism, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further

reason that it contained alcohol, and the wrapper failed to bear a statement of the quantity or proportion of alcohol contained therein.

On November 25, 1919, the defendant entered a plea of guilty to the information, and on December 1, 1919, the court imposed a fine of \$200.

E. D. BALL,
Acting Secretary of Agriculture.

7376. Adulteration and misbranding of olive oil. U. S. * * * v. 11 1-Gallon Cans and 23 Half-Gallon Cans of Olive Oil (so called). Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 10610. I. S. No. 13595-r. S. No. E-1572.)

On June 23, 1919, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 1-gallon cans and 23 half-gallon cans of olive oil (so called), remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped on or about April 19, 1919, by the Southern Importing Co., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Finest Quality Table Oil * * * Cottonseed Oil Flavored Slightly with Olive Oil * * * Termini Imerese * * * Cicilia-Atalia * * * Guaranteed Absolutely Pure (design of olive harvesting scene)." (On gallon cans) "1 Gallon Net" (On half-gallon cans) " $\frac{1}{2}$ Gallon Net."

Adulteration of the article was alleged in the libel for the reason that there had been mixed and packed with the article another oil, to wit, cottonseed oil, so as to reduce, lower, and injuriously affect its quality and strength, and that cottonseed oil had been substituted wholly or in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the labels on the cans bore certain statements, designs, and devices regarding the article which were false and misleading, and which statements were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact it was not, and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States; and for the further reason that the label bore statements, to wit, "One Gallon Net" and "One Half Gallon Net," respectively, whereas there was an average shortage in 10 gallon cans of 7.8 per cent and in 12 half-gallon cans of 11.5 per cent. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On November 3, 1919, Giuseppe Battaglia, New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

E. D. BALL,
Acting Secretary of Agriculture.